



Z-09-10-001

**City of Greensboro Planning Department
Zoning Staff Report and Plan Amendment Evaluation**

City Council Hearing Date: November 10, 2009

GENERAL INFORMATION

APPLICANT	John H. Stratton III
HEARING TYPE	Rezoning
REQUEST	RS-12 (Residential-Single Family) to CD-RM-12 (Conditional District- Residential Multi-Family)
CONDITIONS	<ol style="list-style-type: none">1. Uses: Limited to multi-family dwelling units2. The property will be designed and developed in a unified manner and will incorporate similar and complimentary architectural features such as masonry and stucco materials.3. Buildings will be limited to 2 stories above ground.4. Site lighting will be designed in a manner as to eliminate direct illumination onto adjacent properties. Lighting will be limited to a decorative type pole fixture that will not exceed 12 feet in height.5. The development will be designed to allow for internal vehicular and pedestrian connectivity between any freestanding buildings within the development. Vehicular connectivity will be accommodated by shared driveways and cross connections. Pedestrian connectivity will be accommodated by provision of sidewalks and painted or other crosswalks internally within the property.6. The buffer provided along the entire length of the southern and eastern lot lines located between North Elm Street to West Cornwallis Drive will be a minimum of 20 feet wide and planted at the Type "C" planting yard rate. The buffer provided along the entire length of the northern and western lot lines located between North Elm Street to West Cornwallis Drive will be a minimum of 20 feet wide, planted at the Type "B" planting yard rate, and contain an opaque fence a minimum of five feet in height.7. The highest roof element would be no more than 50 feet above the average grade plane around each building.

8. Building facades facing street shall be modulated with progressions or recessions at least once every 45 feet.
9. No free standing parking structure
10. Parking shall be under building structures and/or on surface.

LOCATION

2207 North Elm Street, 2209 North Elm Street, 106 West Cornwallis Drive and 108 West Cornwallis Drive, generally described as north of West Cornwallis Drive and west of North Elm Street

PARCEL ID NUMBER (S)

00-00-0-2860-00-0100-004/005 and
00-00-0-2860-00-0100-023/022

PUBLIC NOTIFICATION

The notification area for this public hearing was 600 feet (Chapter 30-9-1.2 of the City Ordinance requires notification of the owner of that parcel of land and the owners of all parcels of land adjoining and contiguous to that parcel of land as shown on the County tax listing). **115** notices were mailed to those property owners in the mailing area.

TRACT SIZE

2.68 acres

TOPOGRAPHY

Slopes to the west

VEGETATION

Residential landscaping

SITE DATA**Existing Use**

4 single-family dwellings

	Adjacent Zoning	Adjacent Land Uses
N	RS-12 (Residential- Single Family)	Single-Family dwelling unit
E	CD-LB (Conditional District-Limited Business) and GO-M (General Office-Moderate Intensity)	Regions Financial Center and Saint Pius School and Church
W	RS-12 (Residential- Single Family)	Single-Family dwelling unit
S	RS-12 (Residential- Single Family)	Single-Family dwelling units

Zoning History**Case #****Date****Request Summary**

12/2008 A request to rezone this property to CD-LO was continued twice and subsequently withdrawn by the applicant. Staff had recommended a denial of this request to the Zoning Commission.

This property has been zoned RS-12 since July 1, 1992. Prior to the implementation of the Unified Development Ordinance (UDO), it was zoned RES 90 S

ZONING DISTRICT STANDARDS

District Summary *

Zoning District Designation:	Existing (RS-12)	Requested (CD-RM-12)
Max. Density:	3 dwelling units/acre	12 dwelling units/acre
Typical Uses	Primarily intended to accommodate moderate density single-family detached dwellings in developments where public water and sewer service is required.	Primarily intended to accommodate multifamily uses at a density of 12.0 units per acre or less.

*These regulations may not reflect the actual requirements for all situations; see the City of Greensboro Zoning Code for actual regulations for site requirements for this zoning district.

SPECIAL INFORMATION

Overlay District Ordinance/Historic Preservation

The proposed site plan offers demolishing the existing single family residential structures on N. Elm and W. Cornwallis to accommodate multifamily development and associated parking. Among these residential structures is a significant historic resource to the Greensboro community with the 1958 UNCG Commencement House located at 2207 N. Elm. The property is the product of a 1958 collaboration among 23 students at the Women's College (now UNCG), noted Greensboro architect Edward Lowenstein and artist Gregory Ivy. Offered as an art and home economics class, the students designed the house, oversaw its construction and decorated the structure dubbed the "Commencement House" by the university's public relations office. Acclaim for the structure came from local and national sources including the *Greensboro Daily News*, WUNC-TV, *McCall's Magazine*, and *Southern Appliances Magazine*. The 1958 Commencement House is one of three such Commencement Houses in Greensboro, the others being constructed in 1959 and 1965. It should be noted that the property does not currently have a local, state or federal historic or landmark designation and the owner of the property has made the property available for acquisition and relocation

Environmental/Soils

Water Supply Watershed	N/A Site Drains to North Buffalo Creek.
Floodplains	Intermittent stream onsite requires a non-encroachment area (30' on each side or 5xwidth of the channel)
Streams	Intermittent stream in this watershed requires a 50' stream buffer measured from top of bank. The first 30' must remain undisturbed and on the next 20' no occupied structures are allowed but built upon area could be added up to 50%.
Other:	If high density development is proposed (BUA>24%) site must meet water quality requirements. Quantity Control or detention may be required.

Utilities

Potable Water
Waste Water

Airport Noise Cone

The subject property is not located in the Airport Noise Cone.

Landscaping Requirements

Location	Required Planting Yard Type and Rate
North	Type C Yard – minimum width 20'; 2 canopy trees per 100', 3 understory trees per 100'; and 17 shrubs per 100'
South	Street Yard - minimum width 8'; 2 canopy tree per 100', 17 shrubs per 100' and a Type D Yard – minimum width 5'; 2 understory trees per 100'; 18 shrubs per 100'
East	Street Yard - minimum width 8'; 2 canopy tree per 100', 17 shrubs per 100' and a Type D Yard – minimum width 5'; 2 understory trees per 100'; 18 shrubs per 100'
West	Type C Yard – minimum width 20'; 2 canopy trees per 100', 3 understory trees per 100'; and 17 shrubs per 100'

Tree Preservation Requirements

Acreage	Requirements
2.68 ac.	All trees 4" or greater DBH which are located within the required planting yards

Transportation

Street Classification	Elm Street – Major Thoroughfare, Cornwallis Drive – Minor Thoroughfare.
Site Access	All access(s) must be designed and constructed to the City of Greensboro standards.
Traffic Counts:	Elm Street ADT = 17,861(2007), Cornwallis Drive ADT = 10,978 (2007).
Trip Generation:	N/A.

Sidewalks	Sidewalks are a requirement of the Development Ordinance. 5' sidewalk with a 5' grass strip is required along both sides of thoroughfares. 5' sidewalk with a 3' grass strip is required along one side (at a minimum, collectors may require sidewalk on both sides) of all other street types. There is no existing sidewalk along the frontage of this development. The City has plans to construct sidewalk along Cornwallis Drive.
Transit in Vicinity	Yes, route 3, N. Elm Street.
Traffic Impact Study (TIS)	No, not required per TIS Ordinance based on proposed rezoning.
Street Connectivity	N/A.
Other	N/A.

IMPACT ANALYSIS

Land Use Compatibility

The proposed **CD-RM-12** (Conditional District- Residential Multi-Family) zoning would allow land uses that are compatible with the general character of the area.

Connections 2025 Comprehensive Plan Policies

The Generalized Future Land Use Map designates this location as **Low Residential and Mixed Use Commercial**. The requested **CD-RM-12** (Conditional District- Residential Multi-Family) zoning district is inconsistent with this GFLUM designation. CD-RM-12 zoning is inconsistent because the majority of the site (more than 60%) is designated Low Residential (3-5 units per acre). RM-12 could work in a Mixed Use Commercial scenario because of the surrounding land uses. A GFLUM map amendment has been requested to reflect the change in land use.

Connections 2025 Written Policies

Reinvestment/Infill Goal: Promote sound investment in Greensboro's urban areas, including Center City, commercial and industrial areas, and neighborhoods.

POLICY 4C.1: Establish standards for and promote new forms of compact development.

Man-made Environment Goal: Preserve and enhance the character and visual quality of Greensboro's built environment, including historic resources, private developments, and public landscapes.

POLICY 5F.2: Improve design standards for new development to enhance community appearance and sense of place (visual impacts on adjacent neighborhoods).

Housing and Neighborhoods Goal: Meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities.

POLICY 6A.4: Implement measures to protect neighborhoods from potential negative impacts of development, redevelopment, and/or public projects that are inconsistent with

the neighborhood's livability, architectural or historical character, and reinvestment potential.

- Including protection against incompatible encroachments into residential neighborhoods

POLICY 6B.2: Promote rehabilitation of historic houses and buildings.

Connections 2025 Map Policies

Existing GFLUM Designation

Low Residential (3-5 d.u./acre): This category includes the City's predominantly single-family neighborhoods as well as other compatible housing types that can be accommodated within this density range. Although there are some existing residential areas in the City developed on lots greater than 1/3 acre, future residential developments and "conventional" subdivisions should generally maintain a gross density of no less than three dwellings per acre, except where environmental constraints (e.g., the Watershed Critical Area) prevent such densities from being achieved. Compact developments that include clustered, small lots with substantial retained open space are encouraged.

Mixed Use Commercial: This designation is intended to promote a mix of uses, of which various commercial uses remain predominant, but where residential, service, and other uses are complementary. Where applied to older highway corridors characterized by "strip" commercial uses, the intent is to encourage infill and redevelopment for a more diverse and attractive mix of uses over time. Examples include residential units over commercial uses or a wider array of economically viable uses to replace obsolete uses. Such areas also may represent opportunities for the introduction of substantial higher density and/or mixed-income housing, with negligible impacts on, or resistance from, nearby single-family neighborhoods. Ensuring that buildings are of the appropriate scale and intensity is critical, as is ensuring that sites are designed in a coordinated, as opposed to a lot-by-lot, manner. New "strip" commercial development is discouraged.

Proposed GFLUM Designation

High Residential (over 12 d.u./acre): This category provides for high-density apartment dwellings, condominiums, life care, and similar housing types. Creating opportunities for this type of housing will become increasingly important to respond to demographic shifts and demand for affordable housing, and it is ideally suited near major activity and employment centers and in areas suitable for future transit service. Within this district, office buildings may also be accommodated.

Comprehensive Plan Amendment History

Case #	Date	Request Summary
NA		

Applicant Stated Reasons for Request

Explain in detail why the change is needed and a justification for such a change:

Explain in detail the conditions that you think may warrant a Plan Amendment – Per Applicant and Application

Per request application form: The immediate area has changed significantly over the last 4 years. The Cornwallis Rezoning from LO to CD-Limited Business in 2005 and a new office building reached the church. New CD-PDI Property is under construction 100' from this site. This site is well positioned for an infill project with a multi-family use. The zoning has been in transition in this area.

New rezonings have occurred in the immediate area. We met with the neighbors and heard their complaints about office use and have changed to a more acceptable residential use. We (the applicant) want to promote good infill projects to enhance community appearance. We (the applicant) feel there is a true quality condominium in the neighborhood and we want to promote a sound investment in the neighborhood. We believe this rezoning would be most compatible of the general character of the area.

Staff Note: GFLUM amendments are based on land use rather than zoning.

COMPREHENSIVE POLICY PLAN ANALYSIS**Need for Proposed Change**

Should the proposal be approved, a GFLUM Amendment will be required. The requested proposed Moderate Residential (5-12 d.u./acre) is a significant change of the GFLUM designated uses of Low Residential (3-5 d.u./acre) and Mixed Use Commercial and due to the land. CD-RM-12 zoning is inconsistent because the majority of the site (more than 60%) is designated Low Residential (3-5 units per acre).

Effect of the proposed Change on the Need for City Services and Facilities (e.g. roadway level of service) – N/A**Implications, if any, the Amendment may have for Other Parts of the Plan**

The GFLUM Amendment may provide the catalyst for other land use transitions in the vicinity of the site. The GFLUM would need to be re-evaluated in the study area to determine how the proposal will affect surrounding land uses. The review would concentrate on timing of land use transitions and evaluation of other land uses to the north and west of the site.

Unforeseen Circumstances or the Emergence of New Information (e.g. significant economic opportunity in Tier 2 or 3) – N/A**PLANNING BOARD COMMENTS**

The Greensboro Planning Board reviewed the proposed map amendment on September 16, 2009 and made the following comments:

- moderate density residential makes sense as a transition between higher intensity commercial uses at the intersection and nearby low density residential areas
- there is some concern that the proposed change does not include a large enough area to create the appropriate transition in intensity of uses
- new investment should include features that complement nearby residential context

CONFORMITY WITH OTHER PLANS

City Plans – N/A

Other Plans - N/A

Staff/Agency Comments

Water Resources - No additional comments

Possibility of Wetlands. If any disturbance to the stream or wetlands is proposed, the State and the US Army Corps of Engineers must be contacted and all the permits obtained prior to the disturbance.

Housing and Community Development

Although this proposal, if approved, would result in the demolition of four existing single family homes, and would constitute a significant alteration of a stable existing residential area, it would appear to be consistent with a trend of recent development activity, that is limited in scope to close proximity of the northwest quadrant of the North Elm Street / Cornwallis Drive intersection. Applicant is strongly encouraged to discuss this proposal with representatives of the Old Irving Park neighborhood, within which the subject site is located.

Planning

Staff believes that the proposed request is consistent with the intent and purpose of the Comprehensive Plan policies in that it will encourage residential infill opportunities, meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities, promote mixed-income neighborhoods, and promote the diversification of new housing stock to meet the needs of all citizens for suitable, affordable housing.

An application to rezone this property to CD-LO in 2008 for the construction of professional offices was continued twice and subsequently withdrawn by the applicant. Staff had recommended a denial of this request to the Zoning Commission based on stated general incompatibility of the request with the surrounding uses and inadequate conditions to protect the surrounding neighborhood from the potential negative impacts of the proposed use. The significant difference between this request and the previous one is that the applicant now intends to construct **multi-family dwelling units** as opposed to **professional offices** requested previously. There are also some additional conditions pledged to insure compatibility of the building facades facing public streets with the surrounding neighborhood.

This area of the City is well developed with varying densities and intensities of residential, commercial, institutional and office uses. Approving a multi-family use at this location will create a smooth zoning transition pattern along both West Cornwallis Drive and North Elm Street, with commercial uses at the intersection and transitioning to multi-family uses and eventually single-family uses away from the intersection.

Staff however does have some concerns about this request, and has been working diligently with the applicant to come up with conditions and design elements that will help alleviate some of staff's concerns. Notable amongst staff's concerns are scale and massing of the proposed project vis-à-vis the surrounding developments, inadequate design elements to enhance community appearance and sense of place (visual impacts on adjacent neighborhoods) and the existence of a structure on the proposed site with some historic significance.

Staff would note that the applicant has agreed to add more conditions at the public hearing to address concerns raised by staff. The applicant has also agreed to offer the house located at 2207 N. Elm Street, which has some historic significance and planned for demolition prior to development of the new residential units, at no charge, to anyone willing to move and relocate any and or all of the structure. The developer will allow a period of 150 days from the date of the rezoning approval for such move.

Staff believes that this request will be generally consistent with the requested Generalized Future Land Use Map (GFLUM). Staff is also of the opinion that the request will be compatible with the existing development and trend in the surrounding neighborhood, especially with the added conditions.

STAFF RECOMMENDATION

PLANNING

Staff recommends **approval** of the requested **CD-RM-12** (Conditional District-Residential Multi- Family) zoning district.